Dear Jim,

Rosenberg FOIA case 7/29/75

It is a kind of recognition and compliment that Tom Susman referred the lawyer for the Rosenberg sons to us but I do regret that it came so late.

Tom was in a delicate position unless he was dealing with a personal friend.

Your call caught me by surprise. I did not thereafter have time to think about it. It came to mind again when I decided to sit back and sip a nip of my scant supply of good Scotch before going to bed a little earlier than usual to get an earlier than usual start.

As soon as I did think of it, gping back to my instinctive teaction when you first mentioned it - that destruction is not enough nor the entire basis for asking court preservation - it occured to me that perhaps Tom also had this in mind but might not have been able to say so.

All the Nader people, whose experience is much more spread out than ours, have more FOIA experience than we. Including, surely, with some crookedness. What distinguishes us is that we have had no case not tainted with some crookedness, all really badly tainted, and repeated perjury. This Tom knows.

Prestigeous firms have had experience with the FBI, including with the pervading crookedness. One reason for recommending consultation with us is that we are more imaginative and for lawyers daring. He may have had this in mind, too.

Tom knows we hit to fields and try to touch all bases. Maybe he had this in mind?

Conversation with the lawyer could have given us more of an indication of what Tom may have had in mind, what the lawyer really wants, and what we think we should suggest to him. It seems like there will not now be an opportunity.

My feeling is that acting on destruction only is a futility even if they win on that point. The Kilty example ought be enough. Schurr's, too. Maybe Williams. They will probably be lost if they win if they do not make the frontal attack I did in demanding first-person swearing.

I do have a good case of destruction - of the necktie after court order that a picture be taken for me. I have two letters. But this is not enough. Nor is the record in 226-75, even with what I told you about each time we pushed they found a little more, although I consider that quite relevant to the Rosenberg need and rights. There is also alteratoon of records, paraphrases, etc. There is the rewriting in SOG that gives directly opposite meanings. There are field records that need not be in SOG. Hoover's personal files. There are entirely different records, like of travel and special expenses. These are not uncommonly not included in written reports. There is the DJ/FBI special interpretation of the law and its meaning (from 718-30 to 227-75) and the characteristic misinforming of the courts in all cases. Perjury is, I think, a major issue for them. Because the FBI was part of the framing of the Rosenbergs there will be perjury and it will be a lesser cost. With more time I could probably thing or and come up with proof of more.

It would be good if they would ask for a short delay and the lawyer, if he believes this kind of approach correct, could then collect proofs. (Even the transcripts pertain.) If he can't or won't do this I think he should make the proper requests and have them in the record as a basis for using them with the appeals court. We can give him plenty or practises, the integrity of the FBI word. (They even held out on the Warren Commission, even when pressed, as on the LHO literature with the 544 address. They never did give that up. It was gotten from the Secret Service.)

Anyway, I'll help all I can and I will not ask yo hold back for literary rights, as I'd thought best with the tie. And after I can print it they can use anything in PM.

Best,